

## Yeas—28

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Newton	Woodruff

## Nays—2

Burns	Van Zandt
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## Absent—Excused

Nelson

Senator Woodruff moved to reconsider the vote by which the bill was passed.

On motion of Senator Lemens, the motion to reconsider was tabled.

## Record of Vote

Senator Woodruff asked unanimous consent to be recorded as voting "nay" on the passage of the bill (C. S. for S. B. No. 3).

There was no objection offered.

## Reason for Recording Vote

Mr. President: I wish to be recorded as voting nay on final passage of Senate Bill No. 3, for the reason that the inequities in distribution of salaries between the high and the low are indefensible, and I was precluded by the previous question order from correcting same by amendment.

WOODRUFF.

## Bill and Resolution Signed

The President signed, in the presence of the Senate, after giving due notice thereof, the following bill and resolution:

H. B. No. 31, "An Act providing the time when mourning doves and white-winged doves may be shot in this State, fixing the bag limit and possession limit of same, fixing the hours for shooting and making regulations for shotguns that may be used for shooting migratory birds and other game birds, providing a

penalty for the violation of any such regulations; repealing all laws in conflict with any Section of this Act; providing that Sections 1, 2 and 3 of this Act shall be effective only during the year 1937; providing that on and after January 1st, 1938, it shall be the duty of the Game, Fish and Oyster Commission to make adequate investigation of the mourning dove and white-winged dove supply and upon the basis of such findings to issue proclamations permitting and regulating the taking of such birds; providing that it shall be unlawful to take any mourning dove or white-winged dove except in accordance with the regulations issued by the Game, Fish and Oyster Commission; providing a penalty for violations of this Act or for violation of any regulation issued hereunder; providing a rule for construction, and declaring an emergency."

H. C. R. No. 18, Urging President Roosevelt to call a special session of Congress for the purpose of enacting permanent farm legislation.

## Adjournment

On motion of Senator Rawlings, the Senate, at 1:30 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

## NINTH DAY

(Wednesday, October 13, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called, and the following Senators were present:

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Woodruff
Nelson	

## Absent—Excused

Newton	Westerfeld
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A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Roberts, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with.

#### Leaves of Absence Granted

Senators Newton and Westerfeld were granted leaves of absence for today, on account of important business, on motion of Senator Stone.

#### Reports of Standing Committee

Senator Pace submitted the following reports:

Committee Room,  
Austin, Texas,  
October 12, 1937.

Hon. Walter Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. C. R. No. 5, A resolution authorizing the State Highway Department to lease, rent or loan certain machinery owned and used by the State for road paving purposes to the City of Cameron, Milam County, Texas,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,  
Austin, Texas,  
October 12, 1937.

Hon. Walter Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. C. R. No. 4, A resolution granting B. K. Brewer and Mrs. B. K. Brewer permission to sue the State of Texas and the State Highway Department,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,  
Austin, Texas,  
October 12, 1937.

Hon. Walter Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 36, A bill to be entitled "An act to amend Section 5 of Article 8307 of the Revised Civil Statutes of the State of Texas, as amended by the Act of 1931 passed by the 42nd Legislature, by adding a new Section thereto to be designated as Section 5A; providing that whenever the last day for filing any notice with the Industrial Accident Board or for the filing of a suit upon appeal from the ruling of said Board shall fall on a holiday or on Sunday, that the time for the filing of such notice or such appeal, shall be extended so as to include the next succeeding business day, and making such provision applicable to all cases in which final judgment had not been rendered and to those cases pending upon appeal as well as those pending in trial Courts; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with Committee amendments Nos. 1 and 2, and be not printed.

PACE, Chairman.

Committee Room,  
Austin, Texas,  
October 12, 1937.

Hon. Walter Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 6, A bill to be entitled "An act amending Chapter 148 of the General Laws passed by the 42nd Legislature at its Regular Session in 1931, by adding thereto a new section to be called Section 2-b legalizing, approving and validating bonds voted by any city having a population of not less than 1525 and not more than 1550 according to any Federal census, and by any city having a population of not less than 4400 and not more than 4500 according to any Federal census, for the purpose of park improvements, in and for such city and for the levy of the tax in payment of

such bonds under authority of Chapter 148 of the General Laws passed by the 42nd Legislature at its Regular Session; etc.,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,  
Austin, Texas,  
October 12, 1937.

Hon. Walter Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 2, Granting permission to Vina Wood and Smoky Wood and Sid Wood, to sue the State Highway Commission and the State of Texas,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,  
Austin, Texas,  
October 12, 1937.

Hon. Walter Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 13, Granting Mrs. Lillian Stallings Russell and others permission to sue the State of Texas and the Texas A & M College,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,  
Austin, Texas,  
October 12, 1937.

Hon. Walter Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 10, Granting permission to Mr. and Mrs. C. F. Rohrer to sue the State of Texas

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,  
Austin, Texas,  
October 12, 1937.

Hon. Walter Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 8, Granting permission to Mrs. Eura Boulware to sue the State,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

#### House Concurrent Resolution No. 37

The President laid before the Senate, for consideration at this time, the following resolution:

H. C. R. No. 37, Requesting the Highway Department to designate a special agent who shall at all times be available in Hutchinson County to issue permits for overload hauling.

The resolution was adopted.

#### House Bill No. 10 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 10, A bill to be entitled "An Act to amend Article 1589 of the Penal Code of the State of Texas, 1925, relating to the fees to be charged by private employment agents in Texas, and declaring an emergency."

On motion of Senator Roberts, and by unanimous consent, Senate Rule 31a was suspended, to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

#### House Bill No. 10 on Third Reading

Senator Roberts moved that the constitutional rule requiring bills to

be read on three several days be suspended and that H. B. No. 10 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—25

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Moore	Weinert
Neal	Winfield
Nelson	

## Absent

Head	Spears
Lemens	Woodruff

## Absent—Excused

Newton	Westerfeld
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The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—26

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Moore	Weinert
Neal	Winfield
Nelson	Woodruff

## Absent

Head	Spears
Lemens	

## Absent—Excused

Newton	Westerfeld
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**House Bill No. 40 on Second Reading**

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 40, A bill to be entitled "An Act to amend Articles 5215 and 5216 of the Revised Civil Statutes of the State of Texas, 1925, relating to the fees that may be charged applicants by private employment agents in Texas, authorizing the Commissioner of Labor to prescribe the form of receipts, and declaring an emergency."

On motion of Senator Roberts, and by unanimous consent, Senate Rule No. 31a was suspended to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

**House Bill No. 40 on Third Reading**

Senator Roberts moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 40 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—26

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Moore	Weinert
Neal	Winfield
Nelson	Woodruff

## Absent

Head	Spears
Lemens	

## Absent—Excused

Newton	Westerfeld
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The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—25

Aikin	Davis
Beck	Hill
Brownlee	Holbrook
Burns	Isbell
Collie	Moore
Cotten	Neal

Nelson	Small
Oneal	Stone
Pace	Sulak
Rawlings	Van Zandt
Redditt	Weinert
Roberts	Winfield
Shivers	

Absent

Head	Spears
Lemens	Woodruff

Absent—Excused

Newton	Westerfeld
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**Senate Concurrent Resolution No. 3**

The President laid before the Senate, for consideration at this time, the following resolution:

S. C. R. No. 3, Authorizing Board of Control to receive applications for grants to destitute and dependent children and the needy blind.

On motion of Senator Collie, the resolution was tabled subject to call.

**Senate Resolution No. 14**

The President laid before the Senate, for consideration at this time, the following resolution:

S. R. No. 14, Providing for investigation of the Game, Fish and Oyster Commission.

On motion of Senator Pace, and by unanimous consent, the resolution was tabled subject to call.

**Senate Resolution No. 15**

Senator Collie, by unanimous consent, offered the following resolution:

Whereas, there appears a typographical error in S. B. No. 3, page 112, where the figures (425,000) appear in section 77 and this figure should read \$25,000, and

Whereas, such typographical error was caused by inadvertently typing the figure "4" instead of the dollar mark "\$" and this correction should be made in the enrollment of the bill; now, therefore, be it

Resolved by the Senate, That the Secretary of the Senate and the Engraving and Enrolling Clerk be directed to change the figures (425,000) to \$25,000 in enrolling the bill.

The resolution was read.

The President laid the resolution before the Senate, for consideration at this time, and it was adopted.

**House Bill No. 36 on Second Reading**

The President laid before the Senate, on its second reading and passage to third reading:

H. B. No. 36, A bill to be entitled "An Act to amend Section 5 of Article 8307 of the Revised Civil Statutes of the State of Texas as amended by the Act of 1931 passed by the Forty-second Legislature by adding a new section thereto to be designated as Section 5A, providing that whenever the last day for filing any notice with the Industrial Accident Board or for the filing of a suit upon appeal from the ruling of said Board shall fall on a holiday or on Sunday, that the time for the filing of such notice or such appeal, shall be extended so as to include the next succeeding business day, and making such provision applicable to all cases in which final judgment had not been rendered and to those cases pending upon appeal as well as to those pending in trial courts, and declaring an emergency."

On motion of Senator Weinert, and by unanimous consent, Senate Rules No. 31a and 48 were suspended severally, to permit consideration of the bill at this time.

The bill was read second time.

Senator Weinert offered the following (committee) amendments to the bill:

(1)

Amend H. B. No. 36, Section 5A under Section 1, by striking out all of such section after the words "next succeeding business day;" and inserting in lieu thereof the following:

"but this provision shall not extend to or include any cases now filed or now pending in the Trial Court or on appeal from the Trial Court; the rights of the parties in such suits now pending or on appeal from the Trial Courts shall be determined by the law existing prior to the passage of this Act."

(2)

Amend H. B. No. 36, by making caption conform to the body of the bill.

The (committee) amendments were adopted severally.

Senator Moore offered the following amendment to the bill:

Amend the last section of H. B. No. 36 so as to make it effective January 1, 1938.

The amendment was adopted.

The bill then was passed to third reading.

#### House Bill No. 36 on Third Reading

Senator Weinert moved that the constitutional rule, requiring bills to be read on three several days, be suspended and that H. B. No. 36 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Pace
Beck	Rawlings
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Davis	Stone
Hill	Sulak
Holbrook	Van Zandt
Isbell	Weinert
Neal	Winfield
Nelson	Woodruff
Oneal	

Nays—1

Moore

Absent

Head	Spears
Lemens	

Absent—Excused

Newton	Westerfeld
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The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Pace
Beck	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Neal	Weinert
Nelson	Winfield
Oneal	Woodruff

Nays—2

Brownlee	Moore
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Absent

Head	Spears
Lemens	

Absent—Excused

Newton	Westerfeld
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#### Senate Bill No. 6 on Second Reading

The President laid before the Senate, on its second reading and passage to engrossment:

S. B. No. 6, A bill to be entitled "An Act amending Chapter 148 of the General Laws passed by the 42nd Legislature at its Regular Session in 1931, by adding thereto a new section to be called Section 2-b legalizing, approving and validating bonds voted by any city having a population of not less than 1525 and not more than 1550 according to any Federal census, and by any city having a population of not less than 4400 and not more than 4500 according to any Federal census, for the purpose of park improvements in and for such city and for the levy of the tax in payment of such bonds under authority of Chapter 148 of the General Laws passed by the 42nd Legislature at its Regular Session; authorizing the governing body of any such city to adopt all orders, resolutions and ordinances and to do all and further acts necessary in the issuance and sale of such bonds; authorizing such governing body to levy a direct general and ad valorem tax on all taxable property in said city for the purpose of paying the interest on and principal of such bonds; enacting provisions incident and necessary to the subject and purpose of this Act; and declaring an emergency."

On motion of Senator Burns, and by unanimous consent, Senate Rules 31a and 48 were suspended severally, to permit consideration of the bill at this time.

The bill was read second time.

Senator Burns offered the following amendment to the bill:

Amend S. B. No. 6, Section 2-b, By striking out the words "to any" and add in lieu thereof "last preceding" wherever it appears.

The amendment was adopted.

S. B. No. 6 then was passed to engrossment.

#### Senate Bill No. 6 on Third Reading

Senator Burns moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 6 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Moore	Weinert
Neal	Winfield
Nelson	Woodruff

Absent

Head	Spears
Lemens	

Absent—Excused

Newton	Westerfeld
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The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time.

On motion of Senator Burns, and by unanimous consent, it was ordered that the caption of the bill be amended to conform with changes in the body of the bill.

S. B. No. 6 then was passed by the following vote:

Yeas—26

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Moore	Weinert
Neal	Winfield
Nelson	Woodruff

Absent

Head	Spears
Lemens	

Absent—Excused

Newton	Westerfeld
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#### Senate Concurrent Resolution No. 4

The President laid before the Senate, for consideration at this time:

S. C. R. No. 4, Authorizing B. K. Brewer and wife to sue the State.

The resolution was adopted.

#### Senate Concurrent Resolution No. 5

The President laid before the Senate, for consideration at this time, the following resolution:

S. C. R. No. 5, Authorizing the Highway Department to lend certain machinery to the City of Cameron.

The resolution was adopted.

#### Adjournment

On motion of Senator Van Zandt, the Senate, at 10:40 o'clock a. m., adjourned until 10 o'clock a. m., tomorrow.

#### TENTH DAY

(Thursday, October 14, 1937)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called, and the following Senators were present:

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

A quorum was announced present.

The invocation was offered by the Chaplain.